

Customer No. 24498
Attorney Docket No. PU020417
Office Action Date: 04/01/2009

REMARKS

This application has been reviewed in light of the Office Action dated April 1, 2009. Claims 1-17 are pending in the application. No new matter has been added. The Examiner's reconsideration of the rejection in view of the amendment and the following remarks is respectfully requested.

By the Office Action, the Examiner maintains the rejection of claims 1-12 under 35 U.S.C. 103 (a) as being unpatentable over Haddock (U.S. Patent No. 6,678,248) in view of Metin (U.S. Patent Publication 2002/0031142) and Golden (U.S. Patent No. 6,563,793). Claims 13-17 also remain rejected under 35 U.S.C. § 103(a) as being unpatentable over Metin in view of Golden. Applicants respectfully assert that amended claims 1, 9 and 13, at the very least, are patentable and non-obvious over the combination of Haddock, Metin and Golden.

In the Examiner's Response to Arguments, the Examiner has stated that the "applicant's discussion of how Haddock and Metin relate to the newly added claim limitations has been considered and is persuasive" (pg. 2). Therefore, the applicants maintain that for at least the reasons discussed in the applicants' previous response, Haddock and Metin, taken alone or in combination, fail to teach or suggest "a plurality of additional output queues for reserved connections, wherein each additional output queue is established and associated only with reserved connection data packets for one reserved connection path at a given time," as recited in claims 1 and 9 and essentially recited in claim 13. Thus, no further comment will be made regarding these references at this time.

Golden fails to cure the deficiencies of Haddock and Metin. The Examiner maintains that Golden teaches "a plurality of additional output queues for reserved connections, wherein each additional output queue is established and associated only with reserved connection data

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packets for one reserved connection path at a given time," as recited in claims 1 and 9 and essentially recited in claim 13. The applicants respectfully disagree.

In the applicants' previous response, the applicants argued that Golden does not teach or suggest that an output queue is set aside and associated only with one reserved connection at a time, as essentially recited in claims 1, 9 and 13. In support of this assertion, the applicants pointed to the statement in Golden which reads "it should be apparent that the invention is operative whether or not such switches maintain more than one port queue per switch port" (col. 11, lines 63-65). In the Examiner's Response to Arguments, the Examiner states that the applicants' argument based on the above statement in Golden is irrelevant because Golden discloses a switch with multiple queues.

The Examiner's comment seem to does not address the point of the applicants' argument. The applicants are not arguing that Golden teaches a switch with one queue. Instead the applicants assert that this statement demonstrates that the prioritization scheme taught by Golden is completely different from that claimed by the present invention. A prioritization scheme which prioritizes reserved communications by establishing and associating a plurality of queues only with one reserved connection, cannot possibly be operative on a switch which only maintains one queue per port. Thus, it logically follows that a prioritization scheme which is operative on a switch which only maintains one queue does not teach the prioritization scheme claimed by the present application (this is simply the contrapositive of the prior statement). Since Golden explicitly states that Golden's method of prioritizing traffic is operative on a switch with only one queue, it is clear that Golden's method of prioritizing traffic does not contemplate that claimed by the present invention. Moreover, nowhere does Golden indicate or remotely suggest that the prioritization method used on a switch with one queue is different than

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that used on a switch with multiple queues. In fact, the statement that "it should be apparent that the invention is operative whether or not such switches maintain more than one port queue per switch port" strongly implies that Golden would apply the same prioritization scheme to both switches with one port and switches with multiple ports. As demonstrated above, this scheme cannot logically teach the present invention.

In the Response to Arguments, the Examiner further states that Golden teaches "establish[ing] an associate[ing] only with reserved connection data packets for one reserved connection data path" by teaching a many-to-one mapping of traffic to queues. As support, the Examiner points to pg. 7 of the applicants' previous response which stated that the present invention includes a many-to-one mapping of traffic to queues. First, the statement in the applicants' previous response to which the Examiner refers was misstated by the applicants. What the applicants meant to state was "a many-to-one mapping of queues to RSVP traffic." It is clear from the text surrounding this statement that the applicants were arguing that the present invention teaches many queues for one traffic group, NOT many traffic groups for one queue:

While Haddock does discuss consolidating the mappings so as to map more than one traffic group to a queue (a one-to-many mapping), *Haddock does not remotely suggest expanding the mappings so as to have more than one queue for any given traffic group.* Thus, it is quite clear that *Haddock does not teach the plurality of queues for reserved connections* claimed in claims 1 and 9. (emphasis added).

The arguments made in the applicants' previous response regarding Metin further assert that the present invention teaches many queues for one traffic group:

[Applying the present invention to] the example above, one of the plurality of queues set aside for reserved connections is used only for the packets in reserved connection VLAN1 and a second, different one of the plurality of queues is set aside for reserved connections for only the packets in reserved connection VLAN2. Therefore, while Metin teaches one output

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queue for all reserved connections, the present claims disclose one output queue per reserved connection [*i.e., many queues for one traffic group*] (pg. 7-pg. 8, lines 1-2).

As stated in the applicants' previous response, Golden discloses a structure similar to Metin (see pg. 10, second paragraph: "Golden, like Metin, makes a general statement that reserved connection packets can be forwarded to high priority queues. Thus, in Golden, any reserved connection packet can be forwarded to any high priority queue, meaning that each high priority queue may contain packets from more than one reserved connection at a time"). As the applicants discussed with respect to Metin, the structure disclosed by Golden cannot ensure equal treatment of all reserved connections. For example, Golden allows one reserved connection to flood the queue with numerous packets at once, causing the other reserved connections to suffer delays while the packets from the one connection are transmitted from the queue. In effect, this gives one reserved connection a temporary super-priority over the others. By associating one output queue per reserved connection, the present invention can ensure that some reserved connections do not suffer at the expense of others, for example by transmitting one packet from each reserved connection queue in rotation. Thus, the present invention guarantees equal priority among all reserved connections, while Golden does not. Since the Examiner accepted the above arguments with respect to Metin and found them persuasive, it is unclear why the Examiner did not find them persuasive with respect to Golden as well.

In addition, it is the claims which define the property rights provided by a patent (see, e.g., MPEP 2106 II. C.), and claims 1 and 9 explicitly claim "a plurality of additional output queues for reserved connections, wherein each additional output queue is established and associated only with reserved connection data packets for one reserved connection data path."

Claim 13 also recites essentially the same subject matter. Thus, the plain language of the claim

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makes it clear that the present claims are claiming a mapping of many queues for one reserved connection. Therefore, Golden's disclosure of a mapping of many connections for each queue does not teach or suggest claims 1, 9 and 13, but rather, teaches the opposite.

Therefore, the applicants respectfully maintain that Golden does not teach or suggest the present invention for at least the reasons discussed above and in the applicants' previous response.

Thus, for at least the above reasons, claims 1, 9 and 13 are believed to be patentable over Haddock, Mctin and Golden, taken alone or in combination. In addition, claims 2-8, 10-12 and 14-17 are believed to be patentable over the cited art at least by virtue of their respective dependencies from claims 1, 9 and 13. Reconsideration of the rejection is respectfully requested.


In view of the foregoing remarks, it is respectfully submitted that all claims now pending in the application are in condition for allowance. Early and favorable reconsideration of the case is respectfully requested.

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It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's Deposit Account #07-0832.

Respectfully submitted,

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